

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

CHRIS WALKER, BEN MARTIN, DAN
AHERN, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

NATIONAL COLLEGE ATHLETIC
ASSOCIATION,

Defendants.

No. 13-CV-00293

ADRIAN ARRINGTON, DEREK OWENS,
ANGELICA PALACIOS, and KYLE
SOLOMON, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION,

Defendant.

No. 11-cv-06356 (pending in the Northern
District of Illinois)

**DECLARATION OF STEVE W. BERMAN IN SUPPORT OF MOTION TO
INTERVENE AND TO DISMISS, TRANSFER OR STAY ACTION**

I, Steve W. Berman, duly declare under penalty of perjury and on oath, declare and state
as follows:

1. I am the Managing Partner of Hagens Berman Sobol Shapiro LLP, counsel of
record for the Proposed Intervenor, Adrian Arrington, Derek Owens, Angelica Palacios, and
Kyle Solomon. On October 19, 2011, I was appointed by the United States District Court for the
Northern District of Illinois as Interim Lead Counsel for the putative class of NCAA student-
athletes that suffered concussions while playing their sport at an NCAA member institution. I

have been primarily responsible for prosecuting the *Arrington* action. I have full knowledge of the matters stated herein and could and would testify hereto.

2. Between October 2011 and June 2013, Plaintiffs conducted full merits discovery in *Arrington*. In response to our discovery requests, the NCAA produced and we analyzed 29,502 documents (176,849 pages), as well as data from the NCAA's Injury Surveillance Database. We also received and analyzed 8,124 documents (28,485 pages) produced by 42 third parties. We responded to discovery requests propounded by the NCAA on Plaintiffs, producing 3,842 documents (10,144 pages). We took 10 depositions of the NCAA's fact witnesses, and defended the depositions of the four representative Plaintiffs and one absent class member taken by the NCAA. Moreover, we presented Plaintiffs' positions on numerous discovery issues before the *Arrington* court, including at an evidentiary hearing regarding the production of electronically-stored information.

3. Attached are true and correct copies of the following documents:

Exhibit No.	Document
1	Second Amended Class Action Complaint, <i>Arrington v. NCAA</i> (N.D. Ill.)
2	Class Action Complaint, <i>Walker v. NCAA</i> (E.D. Tenn.)
3	Docket Report, <i>Arrington v. NCAA</i> (N.D. Ill.)
4	Docket Report, <i>Walker v. NCAA</i> (E.D. Tenn.)
5	Motion for Class Certification and Memorandum in Support, <i>Arrington v. NCAA</i> (N.D. Ill.)
6	Proffer of Facts in Support of Motion for Class Certification, <i>Arrington v. NCAA</i> (N.D. Ill.)
7	Report of Robert C. Cantu, M.A., M.D., F.A.C.S., F.A.C.S.M., <i>Arrington v. NCAA</i> (N.D. Ill.)
8	Amended Motion To Appoint Interim Lead Counsel And Status Report On Related Litigation, <i>Walker v. NCAA</i> (E.D. Tenn.)
9	Order dated October 19, 2011, appointing Steve W. Berman of Hagens Berman Sobol Shapiro LLP and Joseph Siprut of Siprut PC as Interim Co-Lead Counsel, <i>Arrington v. NCAA</i> (N.D. Ill.)

Exhibit No.	Document
10	Motion to Transfer for Coordinated or Consolidated Pre-Trial Proceedings Pursuant to 28 U.S.C. § 1407 (J.P.M.L. September 4, 2013)

I declare that the foregoing is true and correct to the best of my ability.

Date: September 9, 2013

By: /s/ Steve W. Berman

Steve W. Berman
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